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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,239

07/18/2006

Petrus Johannes Antonius Linssen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

GREEN, TRACIE Y

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/597,239

Applicant(s)

LINSSEN, PETRUS JOHANNES  
ANTONIUS

Examiner

TRACIE Y. GREEN

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. Drawings 1-2 are objected to because they too dark as to ascertain what numbers are corresponding to particular parts. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, 2 and 6 refer to "said part" but there are several parts of the structure discussed in claim 1. For purposes of examination, the examiner will assume "said part" to be the metal part.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1, 3-5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Seredich et al. (US 5,239,226).

**Regarding claim 1**, Seredich et al. (Seredich, hereafter) teaches (Figures 1-6), A lamp comprising a cap (50) and a burner (12) attached to the cap (50), wherein the burner (12) and the cap (50) are connected through a metal part (20), which part (20) engages (at points 32, 32' of 20) the burner (12), characterized in that the metal part (3) has at least two legs (22,22')), a portion of each leg (26,26' of 20)) engaging a corresponding

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portion of the cap (51, left and right), said corresponding portion being of synthetic resin material, which portion of each leg (50) has been heated in order to melt the synthetic resin material (Column 5, lines 1-5) and to deform it so as to correspond to the shape of the leg (26,26' of 20)), whereby a mutual engagement (28,28') and melted portion of cap (50) (Column 5, lines 1-5) of said portion of the leg (22,22') and said corresponding portion (52) of the cap (50) is obtained.

**Regarding claim 3**, Seredich teaches (Figure 5) said metal part (20) comprises an annular portion (40,40') surrounding a portion of the burner (12), while said legs (22,22') extend from said annular portion (40,40').

**Regarding claim 4**, Seredich teaches (Figure 5) said annular portion (2) includes spring means (34,34'), so that said portion of the burner (12) is engaged by said annular portion (40, 40) by clamping.

**Regarding claim 5**, Seredich teaches (Figure 5) at least portions of the legs (20,20') mutually diverge in the direction away from the burner (12).

**Regarding claim 7**, Seredich teaches (Figure 5) said portion of each leg (22, 22') has a shape comprising one ((30,32 or 22) and (30' 32 or 22')) or more edges that enclose an angle with the longitudinal direction of the leg (22, 22')).

**Regarding claim 8**, Seredich teaches (Figure 5), characterized in that said portion of each leg (22,22') comprises one or more holes (28,28').

**Regarding claim 9**, Seredich teaches a method of attaching the burner (12) of a lamp to the cap (50) of the lamp, whereby a metal part (20) is fixed to the burner (12) and said metal part (20) is fixed to the cap (50), characterized in that the metal part (20) has

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at least two legs (22,22'), and in that--during fixation--the burner (12) and the cap (50) are kept in a predetermined position with respect to each other such that a portion (26,26') of each leg (22,22') abuts against a corresponding portion (51, left and right) of the cap (50), said corresponding portion being of synthetic resin material (Column 5, lines 5-10), in which method said portion of each leg (22,22') is heated in order to melt the synthetic resin material and to deform it (Column 5, lines 1-5) so as to correspond to the shape of the leg (22,22'), to obtain a mutual engagement of said portion (28,28') of the leg (22,22') and said corresponding portion (51, left and right) of the cap (50).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seredich et al. (US 5,239,226).

**Regarding claims 2 and 10,** Seredich teaches the lamp as set forth above (see rejections claims 1 and 9). Seredich also teaches portions of the legs (26, 26' of 22,22') are heated by HF (high-frequency) heating (column 5, lines 1-5). Seredich discloses a two legged metal part., and does not explicitly teach a metal part with three legs (claim 2 and 10).

However, the examiner notes that said part has three legs is not shown to solve any stated problem of yield any unexpected results that is not within the scope of the teachings applied. Additionally, the examiner notes that the device taught by the combined teachings of the applied art performs same functions in essentially the same manner as the claimed device. Accordingly, these different variances (i.e. two or three legs) is considered to be obvious design alternative.

9. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seredich et al. (US 5,239,226) in view of Helbig et al. (US 6,642,640 B1).

Seredich teaches the lamp set forth above (see rejection claim 1). Seredich is silent concerning legs are leaf springs.

In the same field of endeavor of discharge lamps, Helbig et al. teaches (Figure 1) the legs (8,9) are leaf springs (Column 1, lines 50-55) in order to provide reliable electric contact between the base and the discharge vessel (Column 1, lines 30-35).

Therefore one of ordinary skill at the time of the invention would modify the lamp of Seredich with the legs being leaf springs in order to provide reliable electric contact between the base and the discharge vessel as taught by Helbig et al.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRACIE Y. GREEN whose telephone number is (571)270-3104. The examiner can normally be reached on Monday-Thursday, 7:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571/272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tracie Y Green/  
Examiner, Art Unit 2879

/Sikha Roy/  
Primary Examiner, Art Unit 2879